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OAKLAND UNIFIED SCHOOL DISTRICT POLICE SERVICES,
and LARRY HILLIARD

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH A. TRAPASSO

Plaintiffs,

vs.

OAKLAND UNIFIED SCHOOL DISTRICT, et al.,

Defendants.

Civil Action No. CV10-04260 WHA

**STIPULATION AND ORDER (1) OF
DISMISSAL AND (2) RE DEFENDANTS'
PENDING MOTIONS TO DISMISS
PLAINTIFF'S COMPLAINT**

The parties hereto, by and through their respective counsel, David M. Helbraun for Plaintiff Joseph A. Trapasso and Michael L. Smith for Defendants Oakland Unified School District ("OUSD"), Oakland Unified School District Police Services ("OUSDPS"), and Larry Hilliard (erroneously sued as Hillard) ("Hilliard") (collectively, "District Defendants"), hereby recite, agree, and request as follows:

WHEREAS, On September 21, 2010, Plaintiff filed his Complaint naming District Defendants, *inter alia*, as Defendants in this matter; and

WHEREAS, District Defendants currently have pending two motions to dismiss (one brought by OUSD and OUSDPS and the other brought by Hilliard) set for hearing before this Court for December 16, 2010;

Plaintiff and District Defendants jointly agree, stipulate and request an order:

1. That OUSD and OUSDPS are dismissed with prejudice from this action, leaving only Hilliard as a District Defendant in this action;
2. The Complaint, including Count One of the Complaint, is dismissed with prejudice as against Hilliard to the extent it is based upon the Fourteenth Amendment;
3. The Complaint, including Counts One, Three, Four, Five and Six of the Complaint, is dismissed with prejudice as against Hilliard in his official capacity only;
4. District Defendants hereby withdraw their pending motions to dismiss Plaintiff's Complaint currently set for December 16, 2010;
5. Hilliard has 20 days from the date of notice of entry of an order from the Court accepting and approving this stipulation in its entirety to answer the Complaint; and
6. Nothing in this stipulation and order bars any other claim set forth in the Complaint and any defense available to Hilliard or any other Defendant in this action.

IT IS SO STIPULATED AND AGREED.

Dated: November 24, 2010

HELBRAUN LAW FIRM

By: _____/s/
David M. Helbraun, Esq.
Attorney for Plaintiff, JOSEPH A
TRAPASSO

Dated: November 24, 2010

JACQUELINE P. MINOR
General Counsel

By: _____/s/
Michael L. Smith, Esq.
Attorneys for Defendants, OAKLAND
UNIFIED SCHOOL, OAKLAND UNIFIED
SCHOOL DISTRICT POLICE SERVICES,
and LARRY HILLIARD

1 The hearing on December 16, 2010, is **Vacated**.

2 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

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6 Date: November 29, 2010.



HON. WILLIAM H. ALSUP
United States District Court Judge for the
Northern District of California